

DEPARTMENT OF STATE
WASHINGTON

December 10, 2003

Excellency:

I have the honor to refer to recent discussions between representatives of the Government of the United States of America and the Government of the Republic of Yemen regarding the surrender of persons to International Tribunals.

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Considering that the Government of the United States of America and the Government of the Republic of Yemen have each expressed their intention to, where appropriate,

His Excellency

Abu Bakr al-Qirbi,

Minister of Foreign Affairs

of the Republic of Yemen,

Sanaa.

DIPLOMATIC NOTE

investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals,

I have the honor to propose the following arrangement:

1. For the purposes of this arrangement, "persons" of either Party include all nationals of that Party and, for the Government of the United States of America, also include current and former non-U.S. national U.S. military personnel with respect to acts or omissions allegedly committed or occurring while they are or were U.S. military personnel.

2. Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,

(a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal has been established by the United Nations Security Council, or

(b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to

any international tribunal, unless such tribunal has been established by the United Nations Security Council.

3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of Yemen to a third country, the Government of the United States of America will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established by the United Nations Security Council, absent the express consent of the Government of the Republic of Yemen.

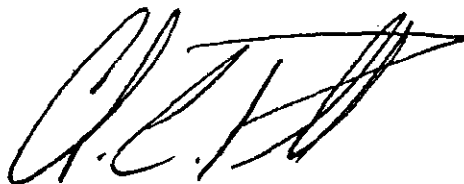
4. When the Government of the Republic of Yemen extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Yemen will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established by the United Nations Security Council, absent the express consent of the Government of the United States of America.

5. This arrangement shall remain in force until one year after the date on which one Party notifies the other of its intent to terminate the arrangement. The provisions of this arrangement shall continue to apply with respect to

any act occurring, or any allegation arising, before the effective date of termination.

If the proposal set forth herein is acceptable to Government of the Republic of Yemen, this note and Your Excellency's affirmative note in reply shall constitute binding obligations under international law between our two Governments which shall be effective on the date of Your note.

Accept, Excellency, the renewed assurances of my highest consideration.

A handwritten signature in dark ink, appearing to be 'A. C. F.' followed by a stylized flourish.

REPUBLIC OF YEMEN

Ministry of Foreign Affairs

The Minister



الجمهورية اليمنية
وزارة الخارجية
الوزير

Sana'a, December 18, 2003

His Excellency
Colin L. Powell
Secretary of State
Of the United States of America
Washington D.C.

Excellency:

I have the honor to acknowledge receipt of Your Excellency's note dated December 10, 2003 which reads as follows:

"Excellency:

I have the honor to refer to recent discussions between representatives of the Government of the United States of America and the Government of the Republic of Yemen regarding the surrender of persons to International Tribunals.

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Considering that the Government of the United States of America and the Government of the Republic of Yemen have each expressed their intention to, where appropriate, investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals,

I have the honor to propose the following arrangement:

1. For the purposes of this arrangement, "persons" of either Party include all nationals of that Party and, for the Government of the United States of America, also include current and former non-U.S. national U.S. military personnel with respect to acts or omissions

REPUBLIC OF YEMEN

Ministry of Foreign Affairs

The Minister



الجمهورية اليمنية
وزارة الخارجية
الوزير

allegedly committed or occurring while they are or were U.S. military personnel.

2. Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,

(a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal has been established by the United Nations Security Council, or

(b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to any international tribunal, unless such tribunal has been established by the United Nations Security Council.

3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of Yemen to a third country, the Government of the United States of America will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established by the United Nations Security Council, absent the express consent of the Government of the Republic of Yemen.

4. When the Government of the Republic of Yemen extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Yemen will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established by the United Nations Security Council, absent the express consent of the Government of the United States of America.

5. This arrangement shall remain in force until one year after the date on which one Party notifies the other of its intent to terminate the arrangement. The provisions of this arrangement shall continue to apply with respect

REPUBLIC OF YEMEN

Ministry of Foreign Affairs

The Minister



الجمهورية اليمنية
وزارة الخارجية
الوزير

to any act occurring, or any allegation arising, before the effective date of termination.

If the proposal set forth herein is acceptable to Government of the Republic of Yemen, this note and Your Excellency's affirmative note in reply shall constitute binding obligations under international law between our two Governments which shall be effective on the date of Your note.

Accept, Excellency, the renewed assurances of my highest consideration."

I have the honor to confirm that the proposal set forth in Your note is acceptable to Government of the Republic of Yemen, and that Your note and this note shall constitute binding obligations under international law between our two Governments which shall be effective on the date of this note.

Accept, Excellency, the assurances of my highest consideration.

His Excellency Colin L. Powell,
Secretary of State of the United States of America,
Washington D.C.